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OFFICE OF PETITIONS

In re Application of :
Samuel Alan Johnson :
Application No. 09/874,026 :
Filed: June 6, 2001 :
Attorney Docket No. 46473.830009.US0 :
:

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 7, 2004, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed August 6, 2001. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned after midnight October 6, 2001. A Notice of Abandonment was mailed February 9, 2004.

In response, petitioner submitted with the instant petition \$640 for the petition to revive fee, and a substitute specification, along with the abstract and claims commencing on a separate sheet. However, petitioner should note that effective October 1, 2003, the petition to revive fee was increased from \$650 to \$665. Therefore, per authorization given in the instant petition, the fee deficiency of \$25 has been charged to petitioner's deposit account.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement.

The petition is **GRANTED**.

The file does not indicate a change of address has been submitted, although the address given on the petition differs slightly from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 308-6711.

Andrea Smith
Petitions Examiner
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Office of the Deputy Commissioner
for Patent Examination Policy

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